

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KLS DIVERSIFIED MASTER FUND, L.P.,

Plaintiff,

-v-

SEAN MCDEVITT,

Defendant.
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19-cv-3774 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The parties are invited to file supplemental briefing by 6:00 p.m. on January 20, 2022, addressed to the following questions:

1. Whether—under the LSM insurance policy, the details of any agreement between WHSB and LSM or McDevitt, and relevant case law—the right to payment for WHSB’s legal services in connection with McDevitt’s defense runs directly from WHSB to LSM, with McDevitt as a third-party beneficiary, or whether the right to payment for WHSB’s legal services runs from WHSB to McDevitt, with LSM obligated to reimburse McDevitt for such costs that he incurs; and
2. Whether the New York Court of Appeals’ decision in *Seider v. Roth*, 216 N.E.2d 312 (N.Y. 1966), with respect to automobile liability insurance remains good law and whether it has any applicability to the D&O insurance at issue in this case.

The briefing shall be by single-spaced letter not to exceed three pages and shall be filed on ECF.

SO ORDERED.

Dated: January 18, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge